

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**July 17, 2007**

## DIVISION TWO

B187542 People (Not for Publication)  
v.  
Cepeda and Gallegos

The judgment are affirmed.

Doi Todd, Acting P.J.

We concur: Ashmann-Gerst, J.  
Chavez, J.

### DIVISION THREE

Court convened at 9:30 a.m.

Present: Klein, P.J., Croskey, J., Kitching, J. and Valorie Gray, Deputy Clerk.

Each of the following:

B192992 People v. Kladden  
B194072 Rinella, et al. v. Stabile, et al.  
B192404 People v. Farlough  
B190749 People v. Batchelor  
B191535 People v. Spencer  
B192308 People v. Galvan  
B194275 People v. Ramirez  
B198958 Tjayne G., v. S.C.L.A.  
B192551 Lawrence Flores

Argument waived, cause submitted.

July 17, 2007 (Continued)

DIVISION THREE (continued)

B192864     Soltani  
              v.  
              California Department of Health Services

Merits:

Argued by C. Keith Greer for appellant and by Kyungah Sak, deputy attorney general for respondent. Cause submitted.

B188403     Penrock  
              v.  
              Lugo Land Corp.

Merits:

Argued by Patrick Stacker for appellant and by Ralph Martinez for respondent. Cause submitted.

Court recessed.

Court reconvened at 1:30 p.m.

Present: Klein, P.J., Croskey, J., Kitching, J. and Valorie Gray, Deputy Clerk.

Each of the following:

B196429 Children and Family Services v. Tammy I.  
B195662 Children and Family Services v. Alicia R.

Argument waived, cause submitted.

DIVISION THREE (continued)

B198538 Fairbanks, et al.

v.

S.C.L.A. (Farmers New World Life International Co., et al.)

Merits:

Argued by Robert Gerstein for petitioners and by Peter H. Mason for real parties in interest. Cause submitted.

B196607 Veasey

v.

City of Los Angeles

Merits:

Argued by David Cwiklo for appellant and by Paul Winnemore for respondents. Cause submitted.

B194484 Faquir

v.

City of Los Angeles

Merits:

Argued by David Cwiklo for appellant and by Paul Winnemore for respondent. Cause submitted.

Court adjourned.

July 17, 2007 (Continued)

### DIVISION THREE (continued)

B192404 People (Not for Publication)

V.

Dexter Samuel Farlough

The judgment is affirmed.

Klein, P.J.

We concur:   Croskey, J.  
                      Aldrich, J.

B191535      People      (Not for Publication)

V.

Edward Bernard Spencer

The judgment is affirmed.

Klein, P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

B190749 People (Not for Publication)

V.

James Walter Batchelor

The judgment is affirmed.

Klein, P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

July 17, 2007 (Continued)

DIVISION FIVE

B194510      People                                  (Not for Publication)  
v.  
Devin Fullmer

The judgment is affirmed.

Mosk, J.

We concur:   Armstrong, Acting P.J.  
                      Kriegler, J.

B193771      People      (Not for Publication)  
v.  
Michael Miller

The judgment is affirmed. The abstract of judgment is ordered modified to reflect that defendant has been awarded a total of 248 days of presentence credit consisting of 166 days of actual custody credit and 82 days of conduct credit.

Mosk, J.

We concur:   Turner, P.J.  
                          Kriegler, J.

B187991 Conrad Janis  
v.  
Gorry, Meyer et al

Filed order denying petition for rehearing.

DIVISION THREE (continued)

B195009      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Eddie H. et al.,  
In re: Daijha P.

The orders denying mother's section 388 petition and terminating mother's  
and father's parental rights are affirmed.

Armstrong, Acting P.J.

We concur: Mosk, J.  
Kriegler, J.

DIVISION SIX

B192769      People      (Not for Publication)  
v.  
Offerman

The judgment (order extending MDO commitment) is affirmed.

Yegan, J.

We concur: Gilbert, P.J.  
Perren, J.

B189698      People      (Not for Publication)  
v.  
Rodriguez

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.  
Perren, J.

July 17, 2007 (Continued)

### DIVISION THREE (continued)

B192769 People (Not for Publication)  
v.  
Offerman

The judgment (order extending MDO commitment) is affirmed.

Yegan, J.

We concur: Gilbert, P.J.  
Perren, J.

B189698 People (Not for Publication)  
v.  
Rodriguez

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.  
Perren, J.

B189745      Martinez  
v.  
Board of Trustees of the Ventura Co.  
Community College District.

Filed order denying petition for rehearing.

B173631 People  
v.  
Fetissova

Filed order granting petition for rehearing.

DIVISION SIX (continued)

B189745     Martinez  
              v.  
              Board of Trustees of the Ventura Co.  
              Community College District.

Filed order denying petition for rehearing.

DIVISION SEVEN

B190186     Softex, Inc.                                 (Not for Publication)  
              v.  
              American International Group, Inc.

The judgment is affirmed. Respondent(s) to recover costs.

Johnson, J.

We concur:    Perluss, P.J.  
                      Zelon, J.

B190463     People     (Certified for Publication)  
              v.  
              Cardenas

The conviction is affirmed. The sentence is vacated and the cause remanded to the trial court with directions to conduct a new sentencing hearing and sentence Cardenas in accordance with law.

Johnson, J.

I concur:        Zelon, J.  
I concur:        Perluss, P.J. (Opinion)



DIVISION SEVEN (continued)

B177869 People (Not for Publication)

V.  
Jesus O.

Probation condition number 21 is modified to read, “Do not use or possess narcotics, controlled substances, poisons, or related paraphernalia; stay away from places where persons whom you know to use illegal drugs or substances congregate.” The cause is remanded with directions for the juvenile court to make an express declaration in compliance with Welfare and Institutions Code section 702 whether the grand theft person offense would be punishable as a felony or misdemeanor for an adult convicted of the same offense. In all other respects the juvenile court’s order of wardship is affirmed.

Johnson, J.

We concur: Perluss, P.J.  
Woods, J.

B196115 People (Not for Publication)

v.  
Fidler

The abstract of judgment is ordered modified to reflect Fidler's conviction by guilty plea to count 2, a violation of Penal Code section 290, subdivision (a)(1)(D), rather than to count 1, a violation of Penal Code section 290, subdivision (a)(1)(A). As modified the judgment is affirmed. The trial court shall then forward a copy of the corrected abstract of judgment to the Department of Corrections and Rehabilitation.

Johnson, J.

We concur: Perluss, P.J.  
Woods, J.

## DIVISION EIGHT

B187647      Horn,                                  (Not for Publication)  
v.  
Hoffman et al.,

The judgment is reversed in part. The matter is remanded for a limited retrial on the issues of the damages owed to the Hoffmans on the cross-complaint for fraud. The orders denying the Hoffmans' motion for attorney fees and granting Horn's motion to tax costs are reversed, and the matter remanded to the trial court with directions to enter a new order granting the Hoffmans' motion and denying Horn's motion to tax costs, and setting the reasonable amount of attorney fees and costs. The Hoffmans are entitled to recover their costs on appeal, including reasonable attorney fees, as determined by the trial court. (Cal. Rules of Court, rules 3.1702 (a) and (c), 8.276(c)(2); *Evans v. Unkow* (1995) 38 Cal.App.4th 1490, 1499-1500.) In all other respects, the judgment is affirmed.

Boland, J.

We concur: Cooper, P.J.  
Flier, J.

B189662 People v. Arreygue (Not for Publication)

The judgment is modified to (a) strike count 6, and (b), on count 3 and count 4, change the penalty for the two enhancements under section 186.22, subdivision (b)(1) to three years and four months each. The clerk of the superior court shall prepare an amended abstract of judgment to reflect those modifications and forward the amended abstract of judgment to the Department of Corrections. In all other respects, the judgment is affirmed.

Flier, J.

We concur: Cooper, P.J.  
Rubin, J.